

DAVID A. HUBBERT  
Deputy Assistant Attorney General

AMY MATCHISON (CABN 217022)  
Trial Attorney  
United States Department of Justice, Tax Division  
P.O. Box 683, Ben Franklin Station  
Washington, D.C. 20044  
Telephone: (202) 307-6422  
Fax: (202) 307-0054  
E-mail: [Amy.T.Matchison@usdoj.gov](mailto:Amy.T.Matchison@usdoj.gov)  
[Western.Taxcivil@usdoj.gov](mailto:Western.Taxcivil@usdoj.gov)

*Attorneys for United States of America*

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

EVELYN HERMSMEIER AS THE  
PERSONAL REPRESENTATIVE OF THE  
ESTATES OF ELIZABETH C. BENSON and  
BURTON O. BENSON, USAA FEDERAL  
SAVINGS BANK, BELARUS  
INVESTMENTS LIMITED,  
CONTRA COSTA COUNTY TREASURER,  
and CALIFORNIA FRANCHISE TAX  
BOARD,

Defendants.

Case No. 4:19-cv-05454-JSW

~~PROPOSED~~ ORDER TO CONFIRM  
SALE OF PROPERTY BY RECEIVER

The United States of America has moved the Court for an order confirming the sale of real property identified as the Evans Place Property and located at 5 Evans Place, Orinda, California 94563, and more particularly described as:

All of Lot 14 and a portion of Lot 13, as said lots are shown on the Map of “Rheem View Acres”, filed August 19, 1953, in Book 51 of Maps, at Page 40, Contra Costa County Records, and a portion of Lot 1, as said lot is shown on the Map of Subdivision 4912, filed October 23, 1979, in Book 231 of Maps, at Page 36, Contra Costa County Records, as shown on Exhibit ‘B’ (Plat Map) attached hereto and being more particularly described as follows:

~~PROPOSED~~ ORDER TO CONFIRM SALE – EVANS PLACE PROPERTY  
CASE NO. 4:19-CV-05454-JSW

Beginning at the most Eastern corner of said Lot 14 (51 M 48); thence leaving said point of beginning along the Northern line of said Lot 1 (231 M 36) the following courses and distances: South 54° 29' 01" East, 97.10 feet; thence North 69° 28' 54" East, 105.00 feet to the Northwestern corner of said Lot 1 (231 M 36); thence Southerly along the Eastern line of said Lot 1 (231 M 36) the following courses and distances: South 08° 45' 42" East, 209.87 feet; thence South 75° 44' 54" West, 113.00 feet; thence south 34° 16' 33" East, 145.68 feet; thence South 72° 01' 54" West, 150.00 feet; thence South 82° 36' 39" West, 31.81 feet; thence leaving said Eastern line along the "New Lot Line" North 52° 15' 28" West, 143.60 feet to an angle point on the Western line of said Lot 1 (233 M 36); thence Northwesterly along the Western line of Lot 1 (231 M 36) North 69° 30' 57" West, 120.00 feet to the Southern corner of the aforesaid Lot 14 (51 M 40); thence Northwesterly along the Southern line of said Lot 14 (51 M 40) the following courses and distances: North 37° 38' 07" West, 124.09 feet; thence North 25° 34' 37" West, 146.78 feet to the Eastern right of way line of Evans Place, a 50 foot wide right of way; thence Northerly along said Eastern right of way line along a non-tangent curve, concave to the West and having a radius of 40.00 feet, the center of which bears North 25° 34' 37" West through a central angle of 135° 44' 01" an arc distance of 94.76 feet; thence leaving said Eastern right of way line North 77° 26' 16" East, 27.70 feet to a point on the line common to Lots 13 and 14 of said "Rheem View Acres" (51 M 40); thence Northeasterly along said common line North 60° 10' 12" East, 174.19 feet to the Northern corner of said Lot 14 (51 M 40); thence Southeasterly along the Northeastern line of said Lot 14 (51 M 40) South 61° 03' 42" East, 210.00 feet to the point of beginning, pursuant to a Lot Line Adjustment No. LLA 2-91 recorded May 23, 1991, as Instrument No. 91-96821.

APN 270-420-005-0

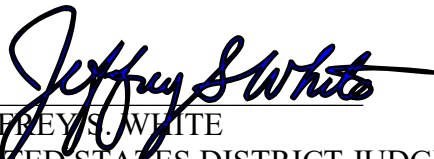
Based on the United States' motion and 26 U.S.C. §§ 7402(a) and 7403(d), it is hereby ORDERED that:

1. The sale of the Evans Place Property for the purchase price of \$1,870,000 to Yingjun Li is confirmed. Upon receipt of the purchase price, the Receiver is directed to execute the attached receiver's deed transferring title of the Evans Place Property, or as directed by them.
2. The sale shall be free and clear of any existing rights, titles, claims, liens, or interest of the Receiver or any other parties to this action to wit:

- a. Evelyn Hermsmeier as the Personal Representative of the Estates of Elizabeth C. Benson and Burton O. Benson;
  - b. USAA Federal Savings Bank;
  - c. Belarus Investments Limited;
  - d. Contra Costa County Treasurer;
  - e. California Franchise Tax Board; and
  - f. The United States' federal tax liens.
3. Consistent with the Court's Amended Order of Foreclosure and Sale (ECF No. 94), at closing, the Receiver, shall be compensated \$ 93,500 (5% of the gross purchase price), and the Receiver shall be reimbursed for the reasonable and necessary costs of the sale actually incurred from the proceeds of the sale. The Receiver shall deposit the net proceeds in the Court Registry, subject to further order of this Court distributing the remaining proceeds of sale.
  4. The Receiver is authorized to sign all the necessary documents and make all the distributions consistent with this Order.
  5. If Yingjun Li fails to pay over the full purchase price for the Evans Place Property to the Receiver within 15 days of this order, she will forfeit any initial deposit made, and the Receiver may continue to market the property to other prospective buyers.

Wherefore, the United States respectfully requests that the Court enter the proposed order confirming the sale of the Evan Place Property.

Dated this 11 day of April, 2022

  
JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE